

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: October 19, 2009

Nidera Handelscopagnie B.V.,

Plaintiff(s),

-against-

Logistica Holding Limited,

Defendant(s).

X

09 Civ. 119 (PAC)
ORDER OF DISMISSAL

HONORABLE PAUL A. CROTTY, United States District Judge:

On October 16, 2009, the Second Circuit Court of Appeals held that electronic fund transfers being processed by an intermediary bank are not property subject to attachment under Rule B of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure. The Shipping Corporation of India Ltd. v. Jaldhi Overseas Pte Ltd., No. 08-3477-cv(L), 08-3758-cv(XAP) (2d Cir. Oct. 16, 2009). **ACCORDINGLY, IT IS HEREBY,**

ORDERED, that in the event no property has been attached pursuant the Court's Order authorizing the issuance of Rule B process of maritime attachment and garnishment (the "Order"), no further attempts to enforce the Order shall be made; the Order is VACATED; and the above-referenced Action is DISMISSED; and, it is further,

ORDERED, that in the event property has been attached pursuant to the Court's Order, the Order is VACATED; the above-referenced Action is DISMISSED; and Plaintiff is directed to immediately release the attached funds. If property has been attached, the Action may be reinstated if Plaintiff is able to demonstrate to the Court good cause for continuing the attachment. Such application for reinstatement need be made by letter or moving papers, dated no later than October 29, 2009, and received in chambers by no later than Friday, October 30, 2009. If Plaintiff submits a timely application for reinstatement, attached funds need not be released until after the Court rules on the application.

The Clerk of the Court is directed to close this matter.

Dated: New York, New York
October 19, 2009

SO ORDERED

PAUL A. CROTTY
United States District Judge